

Rule 1, Ariz. R. Crim. P.

STATUTORY CONSTRUCTION: It is presumed that when the legislature amends a statute, it intends to change the existing law.....Revised 12/2009

Courts presume that the legislature knows the existing statutory law when it enacts or modifies a statute. *State v. Garza Rodriguez*, 164 Ariz. 107, 111, 791 P.2d 633, 637 (1990); *Staples v. Concord Equities, L.L.C.*, 221 Ariz. 27, ¶ 28, 209 P.3d 163, 169 (App. 2009). The courts also presume that the legislature is aware of existing case law interpreting a statute. *Staples*, 221 Ariz. at ¶ 28, 209 P.3d at 169. Thus, if the legislature revises a statute that the courts have interpreted, but does not change the interpreted language, the courts will presume that the legislature agrees with the courts' interpretation. *State v. McDermott*, 208 Ariz. 332, 335, ¶ 9, 93 P.3d 532, 535 (App. 2004).

Under the rules of statutory construction, when the legislature modifies the language of a statute, there is a presumption that the legislature intended to make a change in the existing law. *Garza Rodriguez*, 164 Ariz. at 111, 791 P.2d at 637; *Washburn v. Pima County*, 206 Ariz. 571, 576, ¶ 11, 81 P.3d 1030, 1036 (App. 2003); *State v. Averyt*, 179 Ariz. 123, 128, 876 P.2d 1158, 1163 (App. 1994). Courts presume that the legislature, knowing the existing law, does not intend to enact meaningless, redundant, or futile legislation. *State v. Box*, 205 Ariz. 492, 496, ¶ 10, 73 P.3d 623, 627 (App. 2003). Conversely, a subsequent change in the language of a particular statute is a strong indication of the legislature's original intent. *State v. Barnett*, 142 Ariz. 592, 596, 691 P.2d 683, 687 (1984); *Cicoria v. Cole*, 222 Ariz. 428, ¶ 19, 215 P.3d 402, 406 (App. 2009). "Subsequent legislation declaring the intent of an earlier statute is entitled to great weight in statutory construction, especially where such a declaration coincides

with and thus confirms the construction of a statute by those charged with its execution.” *Lancaster v. Arizona Bd. of Regents*, 143 Ariz. 451, 458, 694 P.2d 281, 287 (App. 1984); *see also State v. Barragan-Sierra*, 219 Ariz. 276, 283, ¶ 21, 196 P.3d 879, 886 (App. 2008) (finding that an amendment which, in effect, construes and clarifies a prior statute will be accepted as the legislative declaration of the original act.).